IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL REVISION APPLICATION NO.119 OF 2004

M/s.Harsh Pharma Chem & ors. Petitioners
vs.
M/s.Pharmaceutical Coatings Private Ltd. Respondents

Mr.M.S.Karnik for the petitioners.

CORAM : B.H. MARLAPALLE,J.

DATED : 17th August 2005

P.C.

Heard Mr.M.S.Karnik, the learned counsel for the petitioners, who are defendants in Special Civil Suit no.68/2002. In the said suit they had filed an application at Exhibit 18 raising the preliminary issue regarding the territorial jurisdiction of the Civil Judge, Senior Division at Thane and by the impugned order dated 25th March 2004, the said application has been dismissed by holding that the Court at Thane has jurisdiction to entertain and try the suit.

2. Having gone through the reasoning as set out by the Court below in respect of the impugned order and the arguments advanced by the learned counsel for the petitioners, it would be expedient to dispose of this application by leaving the issue open and challenge if and when the petitioners are required to file an appeal.

3. Civil Revision Application is, therefore, disposed of with the clarification that the issue of jurisdiction will be left open for being agitated in an appeal proceedings in case the present petitioners are required to resort to such appeal proceedings from the decree that may be passed in Special Civil Suit No.68/2002.

(B.H. MARLAPALLE,J.)